



BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

01-*R*-1679

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF JOHNNY
BARNES, THROUGH HIS ATTORNEYS
WHEELER & WATSON, P.C., IN THE
AMOUNT OF \$6,398.00 AGAINST THE CITY
OF ATLANTA**

WHEREAS, JOHNNY BARNES, THROUGH HIS ATTORNEYS, WHEELER & WATSON, P.C., has filed a claim against the City of Atlanta seeking bodily injuries; and

WHEREAS, the bodily injuries to JOHNNY BARNES, THROUGH HIS ATTORNEYS WHEELER & WATSON, P.C., occurred when the vehicle in which he traveled in was driven over a metal plate that was not properly secured to the roadway; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

WHEREAS, the claimant has asserted damages in the amount of \$100,000.00 and has agreed to accept \$6,398.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of JOHNNY BARNES, THROUGH HIS ATTORNEYS, WHEELER & WATSON, P.C., be settled for the sum of \$6,398.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$6,398.00 be paid by the City of Atlanta to JOHNNY BARNES, THROUGH HIS ATTORNEYS, WHEELER & WATSON, P.C., in satisfaction of any and all claims he may have stemming from bodily injuries sustained on or about September 25, 1999 at 934 Custer Avenue, SE and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

OCT 15, 2001

OCT 24, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0190

Date: October 9, 2001

Claimant /Victim JOHNNY BARNES
BY: (Atty) (Ins. Co.) D. Kevin Wheeler, Esq., WHEELER & WATSON, P.C.
Address: 5180 Roswell Road, South Building, Suite 203, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00
Date of Notice: 3/23/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/25/99 Place: 934 Custer Avenue
Department PUBLIC WORKS Bureau: Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained bodily injuries when the vehicle in which he traveled in was driven over a metal plate that was partially covering a sanitary sewer construction site in the roadway.

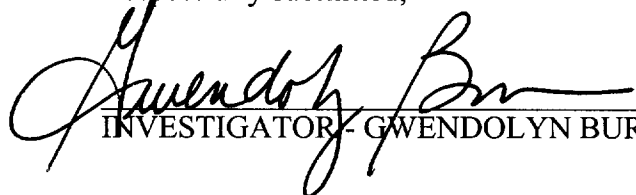
INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

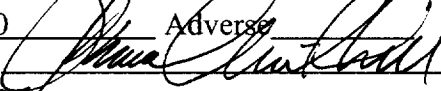
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR: GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 6,398.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager:  Concur/date 10-09-01
Committee Action: Council Action

RCS# 3189
10/15/01
4:15 PM

Atlanta City Council

Regular Session

MULTIPLE

01-R-1680 & 01-O-1679

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
NV Winslow	NV Muller	NV Boazman	NV Pitts

CORRECTED COPY

MULTIPLE

01-L-1679

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
THE SETTLEMENT OF THE
CLAIM OF JOHNNY BARNES,
THROUGH HIS ATTORNEYS,
WHEELER AND WATSON, P.C.,
IN THE AMOUNT OF \$6,398.00
AGAINST THE CITY OF
ATLANTA

By: *Rosalind Rubens Newell*
Rosalind Rubens Newell
Deputy City Attorney

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER **OCT 15 2001**
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER **COUNCIL**
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <i>Public Safety</i>	Committee
Date <i>10/15/01</i>	Date
Chair <i>[Signature]</i>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <i>[Signature]</i>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
OCT 15 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
OCT 15 2001

[Signature]
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 24 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW